

Before the
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Post Office Structure Plan

Docket No. N2012-2

PUBLIC REPRESENTATIVE REPLY BRIEF
(July 27, 2012)

I. INTRODUCTION.

In its initial brief the Postal Service states that “POStPlan candidate Post Offices that are not selected for retail window service hour realignment will be considered candidates for the discontinuance study process.”¹ This is not the only path to closure for POStPlan offices. “POStPlan will not impact the Postal Service’s ability to initiate future discontinuance studies for RMPOs and PTPOs, like other Post Offices, pursuant to the criteria and policies established in USPS Handbook PO-101.” Tr. 1/32. See also Postal Service Brief at 15-16. And, of course, there is the problem of staffing reduced-hour Post Offices, which the Postal Service so casually dismisses. *Id.* at 14. In the words of the APWU, “POStPlan is a process that will lead to the discontinuance of Post Offices.”²

II. “OPERATIONAL NEEDS” WILL CAUSE SMALL RURAL POST OFFICES TO CLOSE.

The Postal Service states that it “will review [] surveys and operational needs of the Postal Service to determine whether a Post Office will continue with realigned window service hours.” Postal Service Brief at 11. It also states, “Generally, the Postal Service will only initiate a discontinuance study for a POStPlan Office if the community exhibits a strong preference for discontinuance study.” *Id.* These statements are contradictory. It is clear, however, that the Postal Service anticipates situations where

¹ Initial Brief of United States Postal Service, July 20, 2012, at 16 (Postal Service Brief).

² Initial Brief of the American Postal Workers Union, AFL-CIO, July 20, 2012, at 11 (revised July 23, 2012) (APWU Brief).

operational needs would outweigh community preference and result in discontinuance. Tr. 1/33, 246-47.

Presumably, the decision to pursue discontinuance in spite of community preference will be made in the field, not at Headquarters. There are references in the record to an “instructional memorandum” describing “procedures for POStPlan consistent with the presentation in this docket” to be “distributed to field personnel” that “provide[s] guidance on how to evaluate the community input and operational needs of the Postal Service.” Tr. 1/16, 118. Unfortunately, the draft instructional memorandum filed as LR-14 does not discuss operational needs.³ LR-14 is a draft; however, it is not “consistent with the presentation in this docket.” The parties and the Commission are left to speculate on the meaning of “operational needs” and on how field personnel will balance community preference against operational needs.

III. POStPlan DOES NOT INOCULATE RMPOs AND PTPOs AGAINST DISCONTINUANCE IN THE FUTURE.

The Postal Service makes clear that realigning retail hours will not save a Post Office from discontinuance. Postal Service Brief at 15-16. POStPlan offices may be studied for discontinuance like any other office. Tr. 1/32. As set forth in Handbook PO-101, section 212,

A vacancy in the position of postmaster or that of other responsible personnel may lead to a decision to conduct a [discontinuance] study.

Insufficient customer demand, evidenced by declining or low volume, revenue, revenue units, local business activity, or local population trends, may lead to a decision to study.

The cancellation of a lease or rental agreement when no suitable alternate quarters are available in the community, a fire or natural disaster, irreparable damage when no suitable alternate quarters are available in the community, a challenge to the sanctity of the mail, or similar reasons may lead to a decision to study.

The availability of reasonable alternate access to postal services for local customers may lead to a decision to study.

³ United States Postal Service Notice of Filing Library Reference, July 25, 2012 (LR-14).

District managers have authority to initiate a discontinuance study. *Id.*, § 211. The Commission is aware that lease cancellations are leading to emergency suspensions and discontinuance studies. Tr. 1/294-96. A commenter in this docket has stated that “we believe the USPS will not opt to renew the lease upon expiration of the current term [T]he result of the combined impacts of POSTPLAN and DUO [Delivery Unit Optimization], as proposed, will ensure the eventual closing of the Bluemont [VA] Post Office.”⁴ But a far greater threat to small rural Post Offices is the inability of the Postal Service to staff reduced-hours Post Offices, as discussed in the next part of this brief.

IV. MORE THAN 4,400 POSTMASTERS HAVE CHOSEN TO RETIRE.

According to the president of NAPUS, some 4,400 Postmasters have chosen to retire, effective July 31.⁵ Postmasters who do not leave their positions by June 30, 2014, will receive a RIF notice. Tr. 1/254. A postmaster who is retiring today has informed the Commission “that at this moment the Postal Service has no idea how it is going to staff several thousand post offices. In the last couple of weeks my managers have approached me and virtually begged me to accept a PMR position upon retirement.”⁶

The Postal Service relies on witness Day for the assertion that the Postal Service will be “able to fill part-time and non-career positions” as it has in the past. Postal Service Brief at 14. However, witness Day is a self-proclaimed non-expert with respect to human resource matters. “I don’t work in HR” Tr. 1/185. “I’m unable to answer that. I’m not an HR person” *Id.* at 209. “I don’t know that. That’s a labor issue, a human resource issue. I don’t know.” *Id.* at 240. “I’m not an HR person.” *Id.* at 254. The totality of witness Day’s non-expert testimony on this crucial issue is his response to interrogatory PR/USPS-T1-13.

The Postal Service will follow the same policies and procedures used today to recruit career and non-career employees. The Postal Service is going through the recruiting process and has been approved to accept

⁴ Letter from Patti Petit, President, Bluemont Citizens Ass’n, and Wade Walters, Member, Bluemont Citizens Ass’n, to Postal Regulatory Comm’n, July 22, 2012.

⁵ <http://www.napus.org/president-razpozas-updates/>, as viewed July 27, 2012.

⁶ Comments of Mark Jamison, July 27, 2012, at 2.

applications. In addition, the Postal Service has offered Postmasters eligible for optional retirement the opportunity to return to serve as Postmaster Relief employees without any effect on their annuity payments. *Id.* at 42.

The “same policies and procedures” will be wholly inadequate to replace the exodus of postmasters with *qualified* personnel. And that is one of the triggers for a discontinuance study.

V. CONCLUSION

The Commission should advise the Postal Service, the Congress, and the Public that POSTPlan will *not* preserve 13,000 small rural Post Offices.

Respectfully submitted,

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